

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1703

David Wayne Landry,

Appellant,

v.

Gary Grimes, Sheriff, Sebastian
County,

Appellee.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: May 6, 1999
Filed: June 2, 1999

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

David Wayne Landry brought this 42 U.S.C. § 1983 action against Sebastian County Sheriff Gary Grimes alleging violations of his constitutional rights arising out of his confinement in the Sebastian County Detention Center. After a bench trial, the district court¹ found in favor of Grimes and entered judgment for him on all of Landry's claims. Landry moved for a new trial arguing he was denied various opportunities to

¹The HONORABLE BEVERLY R. STITES, United States Magistrate Judge for the Western District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

present or examine witnesses. The district court denied that motion. On appeal, Landry renews his arguments, asserting that he has a Sixth Amendment right to examine witnesses. He also argues the district court's decision was not based on the true facts.

We cannot review the evidence presented at trial or the district court's refusal to call witnesses, because Landry did not provide a trial transcript as required by Federal Rule of Appellate Procedure 10(b). See Van Treese v. Blome, 7 F.3d 729, 729 (8th Cir. 1993) (per curiam); see also Schmid v. United Bhd. of Carpenters, 827 F.2d 384, 386 (8th Cir.1987) (per curiam), cert. denied, 484 U.S. 1071 (1988). Furthermore, the Sixth Amendment does not apply to witnesses in civil trials and Landry has not demonstrated that he was prejudiced. Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.